

ELECTRONIC FRONTIER FOUNDATION,
Plaintiff,

V.

NATIONAL SECURITY AGENCY, OFFICE
OF THE DIRECTOR OF NATIONAL
INTELLIGENCE,

Defendants.

Case No.: 14-cv-03010-RS

**STIPULATION AND ~~[PROPOSED~~
[ORDER] TO EXTEND DEADLINE
FOR PARTIES TO REPORT TO THE
COURT WHETHER THEY HAVE
REACHED AN AGREEMENT
ON THE ISSUE OF ATTORNEYS'
FEES AND COSTS**

Hon. Richard Seeborg

STIPULATION AND [PROPOSED ORDER] TO EXTEND DEADLINE FOR PARTIES TO REPORT TO THE COURT WHETHER THEY HAVE REACHED AN AGREEMENT ON THE ISSUE OF ATTORNEYS' FEES AND COSTS
Case No.: 14-cv-03010-RS

Pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure and Local Civil Rule 6-2, Defendants request and the parties, by and through undersigned counsel, have conferred and hereby stipulate to and respectfully request that the Court extend the deadline from June 6, 2016 to July 6, 2016 for the parties to work out the details of, and finalize, the tentative agreement they have reached to settle Plaintiff's claim for attorneys' fees and costs.

The parties provide the following bases in support of their request:

1. On March 17, 2016, the Court granted the Government's motion for summary judgment and denied Plaintiff's cross-motion for summary judgment. *See* Order Re: Cross Motions for Summary Judgment (ECF No. 41) ("Order");
2. The Court ordered that the Government submit a proposed final judgment, *see* Order at 5, which it did on April 7, 2016. *See* [Proposed] Final Judgment (ECF No. 43-1);
3. The Court entered final judgment on April 7, 2016. *See* Final Judgment (ECF No. 45);
4. In that Final Judgment, the Court ordered that, by May 6, 2016, the parties must submit a report stating "whether the parties have reached agreement or whether the plaintiff's claim" for attorneys' fees and costs "will be presented to the Court for consideration." Final Judgment at 1;
5. On May 6, the parties sought an extension of time until June 6 to allow the then-ongoing negotiations to continue;
6. On May 10, the Court granted the parties' request;
7. The parties now report that they have reached a tentative agreement to settle Plaintiff's claim for attorneys' fees and costs subject to final approval by appropriate officials within the United States Government;
8. The parties seek additional time from June 6 to July 6, 2016, for the Government to obtain final approval of the tentative settlement and then, if approved, to draft the settlement agreement;
9. The parties will report the status of the case to the Court on or before July 6, 2016.

1 DATED: June 6, 2016

Respectfully submitted,

2 BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

3 MELINDA HAAG
4 United States Attorney

5 ELIZABETH J. SHAPIRO
6 Deputy Branch Director

7 /s/ Rodney Patton
RODNEY PATTON
8 JULIA A. BERMAN

9 United States Department of Justice
Civil Division, Federal Programs Branch
10 20 Massachusetts Avenue, N.W., Room 7320
Washington, D.C. 20001
11 Telephone: (202) 305-7919
Facsimile: (202) 616-8470

12 *Attorneys for Defendants*

13 /s/ Andrew Crocker
14 Andrew Crocker
Mark Rumold
15 Nathan Cardozo
Jennifer Lynch
16 ELECTRONIC FRONTIER FOUNDATION
17 815 Eddy St.
San Francisco, CA 94109

18 *Attorneys for Plaintiff*
19 *Electronic Frontier Foundation*

20 **ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)**

21 I, Rodney Patton, hereby attest that I obtained the concurrence of Andrew Crocker, counsel
22 for the Plaintiff, Electronic Frontier Foundation, in the filing of this document.

23 /s/ Rodney Patton
24 RODNEY PATTON
25 Senior Counsel
United States Department of Justice
26 Civil Division, Federal Programs Branch
27 20 Massachusetts Avenue, N.W.
Washington, D.C. 20001

PURSUANT TO STIPULATION, it is hereby ORDERED that

1. The current deadline of June 6 for the parties to report to the Court about whether they have resolved the issue of attorneys' fees and costs is extended to July 6, 2016.
2. During this time, the Government will seek final approval of the tentative settlement the parties have reached; if approved, the parties will then draft the settlement agreement;
3. The parties will then report the status of the case to the Court on or before July 6, 2016.

AND IT IS SO ORDERED.

Dated: 6/6/16



HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE